



APPEALS & STATE HEARINGS Newsletter

website: www.ladpss.org

APRIL 2003

Our address: 3833 S Vermont Ave - 4th floor
Los Angeles, CA 90037

TYPES OF WITHDRAWALS



WITHDRAWAL FROM HEARING - A

participant can withdraw from a hearing any time during the fair hearing process, provided it is done before a decision is adopted and signed by the State.



STRAIGHT WITHDRAWAL - This means the

hearing request is cancelled and there is no further need to proceed with the hearing as the issue is resolved. The ASH representative has explained to the participant's satisfaction, the County's action/inaction, as well as the regulations supporting the action/inaction. However, the participant has the option to file an identical request raising the identical issue provided the request is filed timely.



CONDITIONAL WITHDRAWAL (CWD) - This is

an agreement reached between the ASH representative and the participant because the County's action/inaction is incorrect, or partially incorrect, and thus cannot be substantiated in an administrative hearing. The CWD explains and sets forth conditions to be met by one, or both parties which need to be complied within thirty days from the day of the agreement. The participant has the right to re-open the hearing if the conditions of the agreement are not met by the County. ASH sends line staff a Case Correction Memo (PA 411) with detailed instructions of the CWD arrangements.



The following ASH employees were honored as "Partnerships in Excellence Award" winners: Annie Ly, Juliet Cholakian, Maria Chavez and Sandra Gibbs. They were duly recognized by the Section, received a certificate and plaque award and treated to lunch by the ASH Administrators.

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IN THE STATE HEARING: What Happens First?

With the County representative and County witness (this could be you!) on one side of the hearing table and the claimant, his witnesses and/or representative on the other, the Administrative Law Judge, presiding over the proceedings at the head of the table, is ready to begin. The hearing, although informal, must be conducted following certain rules. The entire hearing is recorded in case either side disagrees with the judge's decision and requests a re-hearing. First the judge will define the issues to be decided and explain how the hearing will proceed. Next, all present identify themselves for the record. The judge administers the oath to all those who will testify about what happened or have information to offer about the issues the claimant raised in his appeal. The judge enters the County's statement of position - the document that explains what the County did - and why - as Exhibit #1. The claimant and his representative may have a statement to explain why they think the County's actions are wrong. Now, the real work of the hearing begins: The County presents its case! NEXT MONTH...The County representative's role at the hearing.



Best wishes and happy retirement to Katherine Bayard, an Appeals Hearing Specialist, retiring after 25 years of County service and Nancy Brassaw, a Supervising Appeals Hearing Specialist, who worked for 32 years in ASH and retires with 34 years of overall County service.



Case Correction Memos (PA 411) sent by ASH to district offices now identify potential Food Stamp errors. If the issue involves Food Stamps, a notation on the upper right hand corner of the PA 411 alerts districts that the case in question may have a potential Food Stamp error!



In March 2003, there were 280 PA 411's with FS alert notations. Remember that a corrected case means one less error case!!!